

JUL 24 2013

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

ROGER LEE MARTIN,	)	Civil Action No. 7:13-cv-00291
	)	
Plaintiff,	)	
	)	<u>MEMORANDUM OPINION</u>
v.	)	
	)	By: James C. Turk
CRAIG, ET AL,	)	Senior United States District Judge
Defendant(s).	)	

Roger Lee Martin, proceeding pro se, filed a civil rights complaint, pursuant to 42 U.S.C. § 1983. By Order entered 6/24/2013, the court directed plaintiff to submit within 10 days from the date of the Order to sign and return the Consent to Fee form to the court. Plaintiff was advised that a failure to comply would result in dismissal of this action without prejudice.

More than 10 days have elapsed, and plaintiff has failed to comply with the described conditions because he has not executed and returned the Consent to Fee form. Accordingly, the court dismisses the action without prejudice and strikes the case from the active docket of the court. Plaintiff may refile the claims in a separate action once plaintiff is prepared to comply with the noted conditions.

The Clerk is directed to send a copy of this Memorandum Opinion and accompanying Order to plaintiff.

ENTER: This 24<sup>th</sup> day of July, 2013.

*[Signature: James C. Turk]*  
\_\_\_\_\_  
Senior United States District Judge